

No. 9(1)81-8Lab/376—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Rajesh Engineering Company, NIT., Faridabad:—

BEFORE SHRI M. C. BHARDWAJ,
PRESIDING OFFICER.
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD
Reference No. 73 of 1978
between
SHRI RAM CHAND, WORKMAN AND
THE MANAGEMENT OF M/S RAJESH
ENGINEERING COMPANY, NIT,
FARIDABAD

Present:
Shri Bhim Singh Yadav for the work-
man.

Shri H. R. Dua for the management.

AWARD

By order No. ID/FD/54-78/9587, dated 3rd March, 1978, the Governor of Haryana, referred the following dispute between the management of M/s Rajesh Engineering Company, NIT, Faridabad, and its workman Shri Ram Chand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Chand was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed on 19th September, 1978 and the case was fixed for the evidence of the management. After 2-3 adjournments the parties agreed to a settlement but that could not materialise, hence the case was again fixed for evidence. Again parties made a statement for settlement and the workman received Rs. 800 in lieu of all his claims including the right of reinstatement.

I, therefore, give my award that the

dispute has been settled between the parties and the workman has received a sum of Rs. 800 from the management in full and final settlement of his dispute including his right of reinstatement before this court.

The 1st January, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 47, dated 5th January, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 9(1)81-8Lab/617.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Berrysons (India) Pvt. Ltd., Mathura Road, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD.

Reference No. 202 of 1978

between

SHRI JEET BAHADUR WORKMAN AND
THE MANAGEMENT OF
M/S. BERRYSONS (INDIA) P. LTD.,
MATHURA ROAD, FARIDABAD.

Present:

Shri P. K. De, for the workman.

Shri S. L. Gupta, for the management.

AWARD

By order No. FD/55-78/31234, dated the 6th July, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Berrysons (India) P. Ltd. Mathura Road, Faridabad and its workman Shri Jeet Bahadur to this Tribunal, for adjudication, in exercise of

the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Jeet Bahadur was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 1st January, 1979:—

1. Whether the workman was a probationer ? If so with what effect ?
2. Whether the workman is gainfully employed ? If so to what effect ?
3. Whether the workman had lost his lien on his job by remaining absent ?
4. Whether termination of services of the workman was justified and in order ?
5. Relief.

And the case was fixed for the evidence of the management, who examined Shri N. S. Begana their Manager as MW-1 and prayed for an adjournment for adducing remaining evidence, which was granted. The management took many opportunities and finally closed their case after producing copy of Standing Orders. Then the case was fixed for the evidence of the workman, who took many opportunities but did not produce any. On the last date neither the workman, nor his representative was present, therefore, his evidence was closed. Arguments were heard. I, now give my finding issuewise:—

ISSUES No. 1 AND 3:

MW-1 stated that the workman was appointed,—*vide* Exhibit M-1 as a helper. He was a probationer. His work was not satisfactory. Reports of his work were Exhibit M-3 and M-4. The workman started remaining absent from 29th January, 1978. The management wrote him letters Exhibit M-5 to M-10. Finally his services were terminated,—*vide* Exhibit M-11 which was sent by Regd. post. I have gone through Exhibit M-1 the appointment letter which is in Hindi and signed by the

workman concerned. The designation of the workman is shown as helper and according to para 1 he was on probation for six months. Exhibit M-3 and M-4 are assessment reports of work which speak that the work was not satisfactory. Exhibit M-5, M-6 and M-7 are letters written to the workman asking him to rejoin his duty as he was absent. Exhibit M-8 to M-10 were U.P.C. certificates. Exhibit M-11 termination letter also speaks of absence and that his name had been removed due to continuous absence.

Believing the evidence of the management supported by documents both the issues are decided in favour of the management.

ISSUES No. 2, 4 AND 5:

There being finding of the issues No. 1 and 3 in favour of the management, there is no necessity to decide these issues.

While answering the reference, I give my award that the management did not terminate the services of the workman, rather on the other hand the workman lost his lien on his job by remaining absent. The workman is not entitled to any relief.

The 6th January, 1981.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 56, dated the 7th January, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 9(1) 81-8 Lab./618.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the

management of M/s Auto Meters Ltd.

Mathura Road, Ballabgarh:—

BEFORE SHRI M. C. BHARDWAJ,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 184 of 1979

between

SHRI RAM AVTAR YADAV, WORKMAN
AND THE MANAGEMENT OF M/S
AUTO METERS LIMITED, MA-
THURA ROAD, BALLABGARH.

Present :—

Shri Amar Singh Sharma for the
workman.

Shri K. P. Agarwal for the manage-
ment.

AWARD

By order No. 4-79/25271, dated 13th June, 1979, the Governor of Haryana referred the following dispute between the management of M/s Auto Meters Limited, Mathura Road, Ballabgarh and its workman Shri Ram Avtar Yadav, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947:—

Whether the termination of ser-
vices of Shri Ram Avtar Yadav
was justified and in order ? If
not, to what relief is he enti-
tled ?

On receipt of the order reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 29th October, 1979 :—

- (1) Whether the workman was a probationer ?
- (2) Whether the termination of services of the workman was justified and in order ?
- (3) Relief.

And the case was fixed for the evidence of the management, who examined Shri Jagir Singh, their Assistant Labour Officer as MW-1 and Shri Madan Lal Sharma, their Production Superintendent as MW-2 and closed their case. Then the case was fixed for the evidence of the workman, who examined himself as WW-1 and closed his case. Arguments were heard. I now, give my finding issuewise :—

ISSUE No. 1 :

The representative for the workman contended that the workman was a permanent employee employed on 1st November, 1977. MW-1 stated that the workman was appointed,—*vide* Ex. M-1 as a probationer. WW-1 stated that he was appointed on 1st November, 1977 as an Assembler and Ex. W-1 was his appointment letter. He denied the suggestion that he was given any notice or extension of probation Ex. M-9.

I have gone through Ex. M-8 which is original appointment letter. His basic salary was Rs. 115. It is dated 16th August, 1978. According to it the workman was appointed for a period of four months as a Assembler. It is also written that in case his work was found satisfactory his probation period will liable to be extended to another four months subject to a maximum of eight months. This letter is signed by the concerned workman. As regards appointment letter Ex. W-1, I find that its subject is training and the concerned workman is shown as a trainee w.e.f. 1st November, 1977 for four months, during the period he was to get a stipend of Rs 150 p.m. The contention of the workman that he joined service on 1st November, 1977 on permanent basis is incorrect. He was a probationer according to Ex. M-8. This issue is, therefore, decided in favour of the management.

ISSUE No. 2 :

MW-1 stated that report of the workman given by Shri Madan Lal, Incharge was Ex. M-1 to M-3. His work was not satisfactory. His services were terminated,—*vide* Ex. M-4. He admitted in cross-examination that no formal notice was given to him while terminating his service. MW-2 stated that he had brought original report Ex. M-2 and M-3 about the work of this workman during probation period.

I have gone through these reports and find that the work of the workman was not satisfactory. According to clause 4(b) of the Standing Orders the management could terminate the services of a

probationer. The representative for the management cited 1974 II LLJ (S.C.) page 438 in which it is held as under :—

“Termination of service at the end of extended period of probation on the ground that he was unfit for confirmation, Held: not punitive. Termination on such ground does not attach any stigma involving any terpitude. Inadequacy not involving moral terpitude, held valid ground for termination”.

Therefore, this issue is decided in favour of the management.

ISSUE No. 3 :

The workman is not entitled to any relief.

While answering the reference, I give my award that the termination of services of the workman was justified and in order. The workman is not entitled to any relief.

Dated : 6th January, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 55, dated 7th January, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)81-8 Lab/619.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad in respect of the dispute between the workman and the management

of M/s Fibre Processors (P) Ltd., Faridabad :—

BEFORE SHRI M. C. BHARDWAJ,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 492 of 1978

between

SHRI RAM NATH, WORKMAN AND
THE MANAGEMENT OF M/S FIBRE
PROCESSORS (P) LTD., FARIDABAD.

Present :—

Shri P. K. De for the workman.

Shri R. C. Sharma for the management.

AWARD

By order No. ID/FD/11/156-78/48029, dated 23rd October, 1978, the Governor of Haryana referred the following dispute between the management of M/s Fibre Processors (P) Ltd., Faridabad and its workman Shri Ram Nath, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 :

Whether the termination of services of Shri Ram Nath was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 17th January, 79 :—

- (1) Whether the workman resigned his job ?
- (2) If issue No. 1 is not found in favour of the management whether termination of services of the workman was justified and in order ?
- (3) If not to what relief is he entitled ?

And the case was fixed for the evidence of the management, who examined Shri S. K. Jha as MW-1 and Shri O. P. Ahuja as MW-2 and closed their case. Then the case was fixed for the evidence of the workman, who examined himself as WW-1 and Shri Shiv Shanker as WW-2 and closed his case. Arguments were

heard. Now, I give my finding issue-wise :—

ISSUE No. 1:

MW-1 stated that he was a Manager in the factory workshop and look on production. The concerned workman submitted Ex. M-1 in his office. He made endorsement at point A and sent it to the personnel department. In cross-examination he denied the suggestion that the resignation was given by the workman under coercion or force. The resignation was tendered voluntarily, he further stated. MW-2 stated that the concerned workman brought himself his resignation Ex. M-1 to him. The resignation had endorsement of the Manager Shri S. K. Jha at point A. The Head Time-keeper was asked to prepare a voucher and make payment to the workman. Vouchers Ex. M-2 to M-4 were prepared by Shri Fateh Singh and M-3 was by Shri Bahadur Singh. Shri Fateh Singh has since been died. He further stated that the workman refused to receive the amount prepared by his office and insisted that he should be paid service compensation and gratuity also which was refused by the management. Thereafter, the workman went away saying that he will drag the company into litigation. He further stated that the workman had not made any complaint to the police as far as his knowledge was concerned. In cross-examination he stated that Ex. M-1 was not written in his presence nor it was signed in his presence. However, he sanctioned voucher of Ex. M-1 to M-4. He was informed that Shri Ram Nath had refused to receive payment because he wanted compensation. There was no refusal recorded on Ex. M-2 to M-4 as admitted by the witness.

WW-1 stated that he joined the concern in 1967. On 5th July, 1978, he was transferred as Bundelman. He demanded extra allowance for the job but the management refused. From 6th onwards he was not allowed duty inside the factory and on 12th July, 1978, he was told that his services had been terminated. He was forced to sign a blank paper Ex. M-1 was that paper which he signed. He made complaints against the management. Ex. W-1 was copy of that complaint. He further stated that he was

not paid any compensation or notice pay by the management. In cross-examination he stated that Shri Jha was the Factory Manager. He was under suspension at the time of signing Ex. M-1. At that time there were some outsiders who threatened him to sign the paper in the presence of Shri Ahuja, the Manager. The strength of the factory was 800—900. He further stated that he signed this paper in the office of Shri Jha in his presence. He denied the suggestion that he submitted resignation of his own will. MW-2 stated that he knew the concerned workman. In the month of July, 1978, the concerned workman was asked to sign resignation in the office of Shri Jha where he was also present along with Shri Ahuja and 2-3 outsiders. In cross-examination he stated that he was not in the employment of the management these days. It was correct that the office of Shri Jha was separated from the factory by glass panes. Every thing was visible from both sides. He had got sanctioned advance on that date. Advance was paid by Shri Haribhajan, Clerk from a cabin inside the Time office. Time office was situated near the factory gate, whereas Mill was at a distance of 250—300 yards from the main gate. He admitted as correct that he went to the factory at 2.30 p.m. collected his advance and joined his duty. He further stated that when he reached his machine he found that there was no work. So he came out for drinking water. At that time the concerned workman narrated him the incident. He could not tell whether Shri Ahuja and Shri Jha or outsiders had forced the concerned workman to sign his resignation letter.

The representative for the workman argued that the resignation was under coercion and threatened so it should not be worked upon. The case was of retrenchment so reinstatement may be ordered. While representative for the management argued that this was a case of simple resignation. The workman out of greed made a story of threat etc. Resignation Ex. M-1 contains 2-3 endorsements on it. It is dated 6th July, 1978. The workman has admitted his signatures. As regards threaten his own state-

ment is belied by his own witness WW-2 who stated that it was signed by the concerned workman in his presence whereas the concerned workman stated that he signed on a blank paper. WW-2 further in cross-examination denied his own version and stated that it was told to him by the concerned workman that he signed resignation letter and he had not seen him signing. The evidence led by the workman is not credible. Therefore, this issue decided in favour of the management.

ISSUES NOS. 2 TO 3

As per finding given on issue No. 1 these issues need no decision.

While answering the reference I give my award that the management did not terminate the services of the workman rather the workman resigned his job of his own. The workman is not entitled to any relief.

Dated, the 5th January, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 53, dated 7th January, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 12th February, 1981

No. 9(1)81-8Lab/742.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute

between the workmen and the management of Municipal Committee, Ambala Cantt:—

BEFORE SHRI M. C. BHARDWAJ,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD.

Reference No. 47 of 1979
between
THE WORKMEN AND THE MANAGEMENT OF MUNICIPAL COMMITTEE, AMBALA CANTT.
AWARD

By order No. Amn/8/78/3941, dated the 25th January, 1979 the Governor of Haryana referred to following disputes, between the management of Municipal Committee, Ambala Cantt., and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the Safai Karamcharies transferred from Notified Area Committee, Maheshnagar are entitled to pay scales and allowances at par with the other Safai Karamcharies with effect from 1st January, 1976 ? If so, with what details?
2. Whether all the Tax Collectors should be placed in the same pay scales with effect from 5th February, 1977 ? If so, with what details ?
3. Whether the promotion on the higher posts should be amongst the staff and direct recruitment and obtaining employees on deputation to promotional posts should be stopped ? If so, with what details
4. Whether the employees are entitled to House Rent allowance which they were getting prior to their transfer ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The workmen filed their claim statement. The management took opportunity to file their written statement. Many opportunities were granted but they did not file any

written statement and further stopped appearing in the case. Therefore, *ex parte* evidence of the workmen was recorded. The workmen examined Shri Inder Kumar Jain, Land Officer, Municipal Committee Sadar as WW-1, Shri J. D. Bakshi, General Secretary of the union as WW-2, Shri A. L. Kalra, Octroi Superintendent as WW-3 and closed their case. I now give my finding disputes-wise :—

Dispute No. 1.—WW-2 stated that in December 1977 Maheshnagar Municipality merged into N.A.C., Ambala Sadar. Safai Karamcharies formerly of Municipal Committee Maheshnagar were given pay scales and other allowances with effect from 1st April, 1978 according to other employees of N.A.C., Ambala Sadar. They did not get such wages at the enhanced rates for the months of January, February and March, 1978. These employees performed the same duties which were performed by them earlier. The representative for the workmen contended that there could be no discrimination in payment of wages when the duties performed by them were the same. His contention is justified. Safai Karamcharies were entitled to the wages admissible to their counter-parts in the N.A.C., Ambala Sadar from the date they were taken on rolls of the later Municipality. There could not be separate scales of pay of the same category of employees. I order accordingly.

Dispute No. 2.—WW-2 stated that Octroi Moharrirs of this Municipality have been placed in two different scales of pay. Matriculate and Non-Matriculate Octroi Moharrirs are in different scales, though they perform the same duties. Both of them were placed as Incharge Octroi Barriers. In the Municipal Committee of Ambala City and Rohtak and some others there were no such different scales for Moharrirs. The contention of the workmen is supported by certificate from Municipal Committee, Ambala City Exhibit W-2 in which it is given that the Octroi Clerks were placed in Rs. 110—225 scale irrespective of their educational qualification. I find that the demand notice of the workmen is justified. Previously there was poor education and

semi literate persons were recruited as Octroi Moharrirs. They worked at Octroi Posts/Barriers. The clerks were normally Matriculates who worked in the office. By the spread of education there was no dearth of Matriculates. Therefore, employers started recruiting them as Moharrirs. Both the categories of employees perform the same duties and are responsible of the job equally. The discrimination of different scales creates dissatisfaction among them. Some of the Municipalities had adopted the same scales of pay of the Moharrirs irrespective of their qualification. Therefore, I allow the demand and order that Non Matriculate Moharrirs also be placed in the same scale of pay.

Dispute No. 3.—The representative for the workmen made a statement that this demand had been settled.

Dispute No. 4.—WW-2 stated that at the time of formation of the Ambala Sadar Municipality some employees were transferred from Ambala Cantonment Board to this Municipality. They were assured that their pay and allowances admissible to them in the Cantonment Board will be protected. They were getting house rent allowance in the board but no such allowance was being paid to them now. There is none from the Municipality to controvert the claim statement and evidence of the workmen, therefore, I hold that the employees transferred from Ambala Cantonment Board are entitled to the house rent allowance which they were getting in the service of the board.

I order accordingly and answer the reference in these terms.

The 7th January, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 68, dated the 9th January, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh are required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana Faridabad.